App. F. IX-4

1933

File No. 42/33

Serial Nos. 1 to 4

Previous References

S&A 198-31 (1--4

S&A 169-31 (1-3)

Later References

S&A 412-31 (1-2)

" 402-35-2

" Dep 173/35

S&A 179-40 (1-2)

" 313-40 ((1-6)

" 314-42 (1-2)

S&A 116-43 (1-2)

S&A 183-43 (1-4)

S&A dep 114/44

Serial Nos.

GENERAL AND REVENUE SECRETARIAT.

Part B for December '33

SUBJECT.

Legal opinion re- the claim of a married daughter living with her husband & Comb: Fatherly to the family of late to Puttamma, Asst. Surgeon, Hassan

8(2) to Comptr, & Dir of Public Instn,

H 2172-3 of 12 X. 33

(Sanctions [redacted]/32 — to the daughters

Ramakshamma

19/8/34

Compassionate gratuity on behalf of the family of the late Puttamma, Asst: Mistress

General and Revenue Secretariat

S [illegible] File No. 42 of 1933.

[App. F. III—2

Serial No.

1. Letter No: 322/Pay of 31-8-33 from the Comptr forwarding the compassionate gratuity papers on behalf of the family of the late Puttamma, Asst: Mistress, Vani Vilas Primary Girls' School, Hassan and enquiring ~~and suggesting~~ whether a married daughter living with her parents along with her husband and depending on them for support- or Cannot- be considered as entirely independent of the ~~deceased~~ deceased.

The following is the brief history of the case:-

1) S. Puttamma, late Asst: Mistress, died leaving behind her a married daughter - Kamakshamma. This daughter, ~~and~~ along with her husband and their children were, living at is stated, living with S. Puttamma (Puttamma) and depending on her for maintenance.

A. 2) As regards the pecuniary circumstances of the family, Kamakshamma states that she is really poor and that debts incurred for performing the ~~death ceremonies~~ funeral obsequies of her the mother have to be discharged. It is also stated that her husband is not holding the post of Shanbhogue for the last 3 years -

N 3) In a similar case (S+H 1939-31-3) the compassionate gratuity was given to the daughter of who was the sole surviving heir of the deceased

R. 4) Reference is invited to para 10 of the Financial Secretary's note in S+H-File 412-31- in regard to the definition of the word 'Family' in the case of Compassionate gratuity.

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

compassionate gratuity on behalf of the 2
family of the late Puttamma, Asst: Mistress.

1406

S Sectt File No. 42 of 1933. | General and Revenue Secretariat.

5 If approved, the case may be referred to Law Section for remarks.

Law Sectt 8/9 6 The amount of compassionate gratuity payable in this case is Rs 48/-.

7 ~~There is no mention~~ No Enquiry as to the real condition of life of Kamakkamma seems to be on record. The only record in the file is the petition of the lady is the petition presented by her to the Asst: Inspector of Education - (Flag A).

8 Submit for orders as to whether the Edn: Deptt may be asked to make independent Enquiries as to the circumstances of the family or an order sanctioning grant up on the authority of the precedents quoted in Sectt file 412-31 flagged R ~~placed below~~.

NV 8/9 9 The Education Department may be asked to make an enquiry into the circumstances of the family.

H Secy) 8/9/33

10 The Law Sectt may be consulted

8/9/33

11.9.33.

Law Deptt NC) 11 In the absence of unmarried daughters, a married daughter is a legal heir to the Stridhana of a deceased female - In this case since the

Compassionate gratuity to the family of Puttamma, Asst. Matron.

General and Revenue Secretariat — G.A.P. File No. 42 of 1933. [App. F.

DEWAN'S OFFICE 2246 2 - OCT. 1933

Serial No.

only heir entitled to the deceased's estate is a married daughter, she can claim the Stridhana property.

The same principle may be applied to the disposal of the compassionate gratuity. If there are unmarried daughters who were dependents of the deceased, they should be preferred. In their absence the married daughters may get the benefit of the gratuity especially if in addition they are shown, as in this case, to have been to some extent maintained by the deceased during her lifetime.

47

Law

(For Secy) 11/9/33

13/9/33.

13 Legal opinion may be accepted and draft sanction gratuity put up. 24/9/33

25/9/33.

14) Draft put up. 30.9.

15) For approval (For Secy) 30/9/33.

16) For personal perusal Dewan) 1.10.33

17)

18)

5. OCT. 1933 SECTT. DRAFTING SECTION

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

SHA File No. 42 of 1933. | General and Revenue Secretariat

8:2. fo: W:H: 2172-3 & 12-10-33. 2

to. The Comptr
The Director of Public Instn:

Sanctions the grant of a Compassionate pension of Rs 482 to the family of the late S. Puttaswamy.

13 W 11/12

From the Comptroller to Govt. No 8444 Rev & 5-12-33 3

Requesting whether the claim of a married daughter to be maintained in their to the amount of compassionate gratuity may be accepted as a

—

Subd. may the legal opinion (as in para 11 ante) be communicated to the Comptroller.

11/12 W 11.12.33

yes. Please put up draft.

8 11.12.33

Subd with a draft

For perusal before issue.

H Secy) 8 11.12.33.

12/12

Issue 8 13/12/33

For the Comptr & Govt — 13/12/33 4

Fl 33 86 of Oct 33

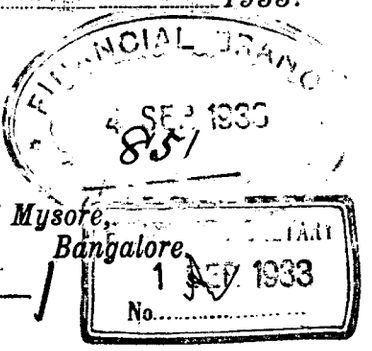
Forwarding a copy of legal opinion on the subject.

B W 11/12

88/

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 322/Pen 2/file. Bangalore, dated 31st August 1933.



From

M. VENKATESA IYENGAR, Esq., M.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

To SFA 42-33-1

A. N. Raghavachar Esqr., M.A.,
Financial Secretary to Government,
B a n g a l o r e.

Sir,

I have the honour to forward herewith letter No. 320 dated 31-8-33 regarding the compassionate gratuity on behalf of the family of the late Puttamma, Assistant Mistress, Vani Vilas Girls Primary School, Hassan and to state that married daughters living with their husbands though coming under the term "legitimate children" are at present being excluded for purposes of compassionate gratuity because they are expected to depend on their husbands for support and not on their parents. In this particular case the only heir of the deceased is a married daughter living with her husband not in the husbands' house but in her mother's house along with her husband and children depending on her for support and she claims compassionate gratuity due on behalf of her deceased mother.

According to Financial Secretary's letter No. Fl. 1398/S&A 412-31-2 of 6-9-32 to the Director of Public Instruction a person may be presumed to be dependent unless he is found to be entirely independent of the deceased. A married daughter living with her parents along with her husband depending on them for support as in this case cannot perhaps be considered as entirely independent of the deceased.

As the case is however not free from doubt I solicit orders of Government in the matter. The formal compassionate gratuity report is enclosed for sanction.

I have the honour to be,
Sir,
your most obedient servant,

M. Venkatesaiyengar

CSS

Comptroller

320-21

COMPTROLLER'S OFFICE,

No. Pen./C. G. 865

Bangalore, dated 31st August 1933.

Enc. one file of compassionate gratuity papers.

From

The Comptroller to the Government of Mysore, Bangalore.

To

The Financial Secretary to the Government of Mysore, Bangalore.

Sir,

I have the honour to forward herewith, for orders of Government, the Compassionate Gratuity papers particularised below, duly verified and reported on, and to state that a Compassionate Gratuity of Rupees (Rs. 482/-) Four Hundred and eighty two only. is admissible under G. O. No. Fl. 7418-77/S. & A. 252-28-4, dated 1st-3rd April 1929 (Appendix V, Mysore Service Regulations) and is payable to the legal heirs of the deceased in one lump/~~instalments~~ for a fixed period of ..... years by conversion into a 'Special Pension' under the scheme tentatively sanctioned in G. O. No. Fl. 5274-5/S. & A., dated 29th January 1930, subject to the orders of Government in the matter of admitting married ~~xxx~~ daughters who are living with their husbands to the benefits of compassionate gratuity.

1. From whom received ..... The Director of Public Instruction in Mysore, Bangalore
2. Reference to communication with which received ..... No. A 7. 469-8/32-33 dated 16-5-33
3. Recommended in favour of the family of the late ..... S.Puttamma, Assistant Mistress Vani Vilas Girls Primary School Hassan, who died on 5-7-1932
4. Particulars furnished regarding heirs entitled to participate ..... T.Kamakshamma- married daughter aged 31 years the only ~~surviving~~ surviving member of the family.

The amount is recommended to be paid to T.Kamakshamma, daughter ~~of the deceased.~~ subject to his/her furnishing an adequate security bond in the form prescribed in G. O. No. Fl. 859-900/S. & A. 466-30-2, dated 4th August 1931 to the effect that the amount will be utilized in the interest of the minors also.

I have the honour to be,
Sir,
Your most obedient servant,

Assistant Comptroller.
2/3

Copy forwarded with compliments to the ..... for information.

~~Assistant Comptroller.~~

COM-130-L-1,000-26-8-32

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No.320-21/CG.865 dated 31st August 1933, from the Comptroller to Government, forwarding with his report the compassionate gratuity papers on behalf of the family of the late S.Puttamma, Assistant Mistress, Vani Vilas Girls' Primary School, Hassan, received from the Director of Public Instruction in Mysore.

*****

Govt. Order No.Fl. 2172-3 Dated, Bangalore, 11th Octr. 1933.

Fin. 42.33-2

It is reported that S.Puttamma, late Assistant Mistress, Vani Vilas Girls' Primary School, Hassan, died on 5th July 1932 leaving behind her only married daughter, viz., T.Kamakshamma, aged 31 years.

2. The Comptroller certifies that a compassionate gratuity of Rs.482 (Rs.Four hundred and eighty two) is admissible under Government Order No.Fl.7418-77/3 and A 252-28-4 dated the 3rd April 1929 and that the same is payable in one lump.

3. Sanction is accorded to the payment of a compassionate gratuity of Rs.482 (Rs. Four hundred and eighty two) only to T.Kamakshamma, daughter and legal heir of the deceased in the manner indicated by the Comptroller in para 2 supra.

12/10/33

For Financial Secretary to Govt.

The Comptroller to Government(with records).
The Director of Public Instruction in Mysore.

vk.3.

SFH 42-33-2

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:--

Letter No. 320-21 /C.G. 865 dated 31.8. 1933, from the Comptroller to Government, forwarding with his report the compassionate gratuity papers on behalf of the family of the late S. Puttamma, Asst: Mistress, Vani Vilas Girls' Primary School, Hassan received from the Director of Public Instn:

2. Correspondence ending with letter No. ..... dated ..... 193 , from the ..... in the matter.

G.O.NO.FL. 2172-3 DATED, BANGALORE 12/10 1933

It is reported that ~~Mr.~~ S. Puttamma, late Asst: Mistress, Vani Vilas Girls' Primary school, Hassan died on 5.7.32 leaving behind ~~him his wife~~ only married daughter, ~~aged ..... years and ..... children, viz.~~, T. Kamakshamma

aged 31 years, ~~respectively~~.

2. The Comptroller certifies that a compassionate gratuity of Rs. 482 is admissible under Government Order No. Fl. 7418-77/S.& A.252-28-4 dated the 3rd April 1929 and that the same is payable in one lump or in ..... instalments for a fixed period of ..... years by conversion into a "Special Pension."

3. Sanction is accorded to the payment of a compassionate gratuity of Rs. 482 (Rupees Four hundred & eighty two only) to T. Kamakshamma, ~~legal heir~~/guardian ~~to the~~ legal heir of the deceased in the manner indicated by the Comptroller in para 2 supra after security is taken in the form approved in Government Order No. Fl. 859-900/S.& A.466-30-2 dated 4th August 1931 that the amount will be used in the interest of the minors.

1.10.33

Financial Secretary to Government.

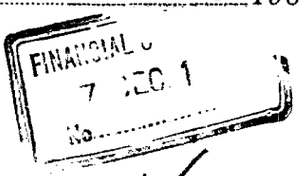
3019/33.

To--The Comptroller to Government (with records).
" Dir P. Instn:

SFH-42-33-3

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 844/Pen. Your file of C.G. papers. Bangalore, dated 5th December 1933



From

M. VENKATESA IYENGAR, Esq., M.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

1870

To

S. Shamanna Esq., B.A.,
Secretary to the Government of Mysore,
Financial Department, Bangalore.

Sir,

With reference to Government Order No.Fl.2172-3 S&A 42-33-2 dated 11th/12th October 1933 according sanction to the payment of a compassionate gratuity of Rs 482/- to T. Kamakshamma, daughter and legal heir of the late S. Puttamma, Assistant Mistress, Vani Vilas Girls Primary School, Hassan, I have the honor to invite kind reference to this office letter No.322 dated 31-8-33 soliciting orders of Government regarding the admissibility of compassionate gratuity to married daughters living with their husbands and to state that the Government Order makes a reference to the fact that the daughter in this case is married but does not state whether her claim as married daughter living with her husband to the compassionate gratuity amount has been recognised as a special case or in the ordinary course. I request that orders of Government on this point may be obtained as well as on the general question raised in this office No.322/Pen dated 31-8-33. The compassionate gratuity papers are also herewith sent.

I have the honor to be,
Sir,
Your most obedient servant,

M. Venkatesa Iyengar

Comptroller.

CV

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 16/12/33

Mr Rus

Signed by .....

List of enclosures .....

Copied by 14/12

Examined by .....

Section S&A

File No. 4 2-33

Serial No. 4

No. Fl 3286 a, Fins

To The comptroller to Govt

Sir,

With refce to your letter no 844/Pen & 5-12-33, enquiring whether the claim of a married daughter, living with her husband, who happens to be the only legal heir to the ~~deceased~~ deceased of ~~Compassionate gratuity~~ maybe accepted as a general principle, I am directed to enclose copy of the legal opinion ~~furnished~~ on the subject. ~~for~~

I have &c

11.12.33.

for H. Secy to Govt

11-12

Please type 6 copies of the legal opinion (para 11 & 12 of the note) on a separate sheet of paper.

WD 0677—GPB—15,000—3-11-33

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

No. H 3286 & 87 Fin

Dated, Bangalore, 14th Dec. 1933.

16

Ltr. 42-33-4

From

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore*

To

The Comptroller to the Government of Mysore,

B a n g a l o r e.

Sir,

With reference to your letter No.844/Pen. dated 5th December 1933, enquiring whether the claim of a married daughter, living with her husband, who happens to be the only legal heir to the deceased may be accepted as a general principle, I am directed to enclose copy of the legal opinio on the subject.

I have the honour to be,

S i r,

Your most obedient servant,

M Shamanna

for Financial Secretary to Governmen

K.".R.2/14-12.